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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,906	02/09/2006	Hideki Yoshinaga	00684.003583.	2927
5514 7590 01/27/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
CHOW, YUK				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
01/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,906

Applicant(s)

YOSHINAGA ET AL.

Examiner

YUK CHOW

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over More et al. (US 5,194,852) in view of Chang et al.(US 2002/0010707).

As to **claim 1**, More discloses a driving method of a display apparatus, comprising:

a first drawing step (Fig. 9A, "fix" routine) of displaying an image on a display panel on the basis of a signal from first image creation means, and

wherein in said first drawing step, an image is drawn by a reset drive for resetting a previous display image and a writing drive for writing an image (see Col. 48 lines 21-63).

However, More does not teach a second drawing step of overwriting a handwritten image on the displayed image on the basis of a signal from second image creation means in which the handwritten image is stored, in said second drawing step, the writing drive of a substantially minimum or a substantially maximum luminance is performed without effecting the reset drive only in an area in which the handwritten image is written, while the same writing drive as performed in the first drawing step is performed in area in which the handwritten image is not written.

Furukawa discloses a handwritten character input device, wherein teaches overwriting a handwritten image (see Fig. 4a-4d), the writing drive is performed without reset drive only in the area in which the handwritten image is written (see [0084]-[0088]).

It would have been obvious to one ordinary skill in the art at the time of invention was made to use overwriting a handwritten image without reset the area as in Furukawa into the driving method of display apparatus of More, because it allows a computer to modify contents of handwritten by maintaining the same work feeling as for ordinary writing using paper and pen (see Furukawa abstract).

As to **claim 3**, More and Furukawa disclose a method according to Claim 1, wherein said method further comprises

a third drawing step of erasing the handwritten image by leaving only the image written in said first drawing step, wherein the writing drive is performed without effecting the reset drive (see More Fig. 10C, restore document area to original state).

As to **claim 5**, More and Furukawa disclose a method according to Claim 1, wherein the display apparatus comprises

electrodes (More Fig. 4C(35) to which voltages are applied from the first image creation means and the second image creation means, respectively, and the display medium (More Fig. 4C(29)) for displaying an image on the basis of the voltages.

As to **claim 6**, More and Furukawa disclose a method according to Claim 1, wherein the display apparatus comprises a pair of substrates disposed with a predetermined spacing, an insulating liquid disposed at the spacing between the

substrate, and electrophoretic particles as the display medium (see More Fig. 4C(29) and Col. 2 line 45).

Regarding **claim 7**, limitations in claim 7 are identical to claim 1, same rejection applies.

Response to Arguments

3. Applicant's arguments with respect to claims 1,3 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUK CHOW whose telephone number is (571)270-1544. The examiner can normally be reached on 8-6 M-TH E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. C./
Examiner, Art Unit 2629
/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629